

REMARKS

Claim 22 is currently pending in the application. Claim 22 has been amended. Support for the amendments to claim 22 can be found in the original specification at, *e.g.*, page 13, line 6 to page 14, line 16, and the original claims. The abstract has been amended to be presented in a single paragraph, to not exceed 150 words, and to correct a typographical spelling error. No new matter has been added by these amendments.

The Abstract

The abstract has been objected to because it is presented in two paragraphs and includes more than 150 words. Applicants have herein amended the abstract so that it is presented in a single paragraph, and does exceed 150 words. Applicants have also corrected a misspelling of the word “prepared” in the abstract. This objection has been overcome and should be withdrawn.

The Specification

The Examiner has indicated that the objection to the specification made in paragraph 3 of the Office Action mailed July 27, 2004 and maintained in subsequent Office Actions, has been maintained for the reasons previously set forth. The Examiner indicates that repeated citations of U.S. Ser. No. 09/518,165 constitute an incorporation by reference. However, Applicants amended the specification at page 4 to delete any incorporation by reference language regarding U.S. Ser. No. 09/518,165 (See the May 27, 2007 Response to Notice of Noncompliant Amendment). As such, there is no incorporation by reference to a U.S. patent application which itself incorporates essential material by reference. Thus, this objection has been overcome, and should be withdrawn.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph (New Matter)

Claim 22 has been rejected as allegedly containing subject matter which is not described in the specification.

First, the Examiner alleges that the phrase “tagged antibody having been present in a dried state on the bibulous strip” of claim 22 does not have descriptive support in the specification. While Applicants disagree with the Examiner’s contentions, in order to expedite prosecution of the present

application, Applicants have amended claim 22 herein to delete the words “in a dried state” from claim 22.

Second, the Examiner alleges that the phrase “at least one scrub zone” of claim 22 does not have descriptive support in the specification. Applicants have replaced the term “scrub zone” with the term “scrub line,” as suggested by the examiner on page 4 of the instant Office Action.

Third, the Examiner alleges that the phrase “at least one of the conjugates” of claim 22 does not have descriptive support in the specification. Applicants have replaced this phrase with the phrase “a conjugate.”

Fourth, the Examiner alleges that the phrase “any conjugates that have not bound to the antibodies specific for the conjugates immobilized in the at least one scrub zone” of claim 22 does not have descriptive support in the specification. Applicants have replaced this phrase with the phrase “a conjugate.”

Reconsideration and withdrawal of the rejections are respectfully requested.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claim 22 has been rejected on several grounds as allegedly indefinite. Applicants have amended claim 22 as follows to overcome this rejection:

(a). Applicants have replaced the phrase “a human subject” with the phrase “the human subject” in order to provide proper antecedent basis.

(b). Applicants have replaced the phrase “antibodies specific for the conjugates immobilized” with the phrase “capture antibodies specific for the conjugates, the capture antibodies immobilized” in order to clarify the claim.

(c) and (d). Applicants have replace the phrase “any conjugates that have not bound to the antibodies specific for the conjugates immobilized in the at least one scrub zone” with the phrase “a conjugate” in order to clarify the claim.

(e). Applicants have replaced the phrase “a capture zone” with “the capture zone” as it appears on line 22 of claim 22, as suggested by the Examiner in the Office Action.

(f) As suggested by the Examiner in the Office Action, Applicants have replaced the term “binding” with the phrase “allowing the binding of” at several instances in claim 22.

Reconsideration and withdrawal of the rejections is respectfully requested.

Conclusion

In view of the above amendments and remarks, the Applicants believe that the pending claims are in condition for allowance. If a telephone conversation with Applicant's Attorney would expedite prosecution of the application, the Examiner is urged to contact the undersigned.

Respectfully submitted,
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